

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

Petition of Columbia County, Wisconsin, for a hearing relative to the repair or replacement of the existing highway bridge at the public crossing of the Union Pacific Railroad Company tracks with County Trunk Highway 'M' (crossing Number 179-195M) in the Town of Randolph, Columbia County, Wisconsin.

9040-RX-1191

ORDER

By letter dated September 8, 2004, the Columbia County Highway Commissioner filed a petition with the Office of the Commissioner of Railroads (OCR) under §§84.05 and 195.29, Wisconsin Statutes. The petition indicates that the existing structure, which is owned by the Union Pacific Railroad Company, requires maintenance for the continued use by the public. Further, it indicates that the Union Pacific Railroad Company has failed to adequately maintain the bridge, resulting in restricted public use thereof.

Subsequent to the commencement of this proceeding, the Office has been advised that the Union Pacific Railroad has commenced maintenance of the bridge and has committed to a cooperative safety inspection of the bridge with an engineer for Columbia County. In light of the pending inspection, both Columbia County and the Union Pacific Railroad Company have requested that the hearing in this matter be indefinitely continued.

NOW, THEREFORE, IT IS HEREBY ORDERED; that the hearing presently scheduled for October 13, 2004 at 9:30 a.m. be and hereby is postponed to a date and time to be later established by notice to the parties. IT IS FURTHER ORDERED; that the parties shall provide to the Office of the Commissioner of Railroads, notice of the planned inspection of said bridge so that a representative of the Office might participate and shall, in any event, provide to the Office a copy of the inspection report with any recommended repairs.

If there are any questions regarding this matter, please contact the OCR staff at (608) 266-7607 or 266-0276.

Dated at Madison, Wisconsin, this 11th day of October, 2004.

By the Office of the Commissioner of Railroads.

David J. Meier, Hearing Examiner